

REMARKS

Reconsideration of the above-identified application in view of the amendments above and the remarks following is respectfully requested.

Claims 1-25 are in this case. Claims 1-25 have been rejected under § 112, second paragraph, claims 1-2 and 5-10 under § 102(b) as being anticipated by Bengtson (5,720,520) and claims 3 and 11-25 under § 103 as being unpatentable over Bengtson in view of either Adams (3,538,552) or South (4,768,620). Claims 1 and 11 have now been amended and claim 25 has been canceled without prejudice.

§ 112, Second Paragraph Rejections

The Examiner has rejected claims 1-25 under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which the applicant regards as the invention. The Examiner has stated is it unclear whether the applicant is claiming combination of the seat bench and carriage or the subcombination of the seat bench. The Applicant submits that the Applicant is indeed claiming the subcombination of the seat bench. To that end, claim 1 part (a), and claim 11 part (a) have now been amended, thereby removing the phrase "on the carriage."

The Examiner has stated that the phrase "to engage said respective at least one structural member or the carriage by clamping to said structural member" in claim 2, is unclear and confusing. Claim 2 has now been amended to state that "said engagement is by clamping." This change should clear the confusion.

Claim 6 has been amended such that the word "(Four)" has been changed to "(d)", which indeed fits with the flow of the claims.

Claims 8 and 22 have been amended such that the trademark "Velcro ®" has now been replaced with the phrase "hook and loop fasteners."

§ 102(b) Rejections

The Examiner has rejected claims 1-2 and 5-10 under § 102(b) as being anticipated by Bengtson (5,720,520). The Examiner's rejections are respectfully traversed.

Bengtson clearly teaches:

"...a flat base board with a central aperture formed therethrough and a flexible fabric seat attached to the perimeter of the aperture and projecting downwardly therethrough to support an infant..." (col. 1, lines 42-45, emphasis added);

"A large central aperture 30 is formed through base board 12 which will receive a conventional fabric seat 32 therein for supporting a baby. Seat 32 includes a pair of leg holes 34, and is fastened around a peripheral edge 36 to the circumference of the aperture 30. A padded headrest 38 may be mounted along the rearward edge of seat 32 in a conventional manner."

"Back board 14 is shown in the upright position in FIG. 1, and includes a forward surface 14a..." (col. 2, lines 31-39, emphasis added); and

"A plurality of patches 62 of hook and loop fastener material are mounted to the forward surface 14a of back board 14 for the selective attachment of a diaper bag 64..."

Bengtson neither teaches nor suggests a seat with a substantially uninterrupted planar upper surface. The Applicant respectfully points out that not only does Bengtson not teach the use of the back board 14 as a seat back, such teaching contradicts the unequivocal teaching of seat 32 including a padded headrest 38.

This is in contrast to the teachings of the present invention, which clearly teaches in Figures 4a-8, a seat bench with a substantially uninterrupted planar upper surface. Further, the Applicant respectfully submits that the back board 14 and diaper

bag 64 of Bengtson are not analogous to the seat back and optional padding of the present invention.

While continuing to traverse the Examiner's rejections, the Applicant, in order to expedite the prosecution of this case, chooses to amend the claims in order to further distinguish the present invention from the cited prior art. Specifically, claims 1 and 11 have now been amended to include language that clearly states that the seat bench has a substantially planar top surface. Support for these amendments is provided in Figures 4a-8.

§ 103(a) Rejections

The Examiner has rejected claims 11-25 under § 103(a) as being unpatentable over Bengtson (5,720,520) in view of South (4,768,620). The Examiner's rejections are respectfully traversed.

South teaches a plank with two sections, each having a plurality of elements configured such that the two sections telescope into, and out of, each other. This is clearly described in the abstract and throughout the specification.

"...An extension plank has first and second elongated sections that telescope from a plank maximum length to a minimum length. Such sections have an outboard portion and an inboard portion joined by a plurality of parallel tubular elements of rectangular cross-section... The inboard portion of the first elongated section slideably encloses the tubular elements of the second elongated section and the inboard portion of the second elongated section slideably encloses the tubular elements of the first elongated section whereby the elongated sections can telescope with each other..." (from the Abstract, emphasis added).

Substantially the entirety of the plank of South is made up of the plurality of parallel tubular elements. There is neither hint nor suggestion in South that each of the

extending elements extend separately from a single channel provided in a base section.


This is contrasted with the teaching of the present invention that teaches a:

"...A bottom surface of seat bench 200 is furnished with channel 290...to provide a mechanism for slidable mounting of extensions elements 201 and 202 to a bottom surface of seat bench 200..." (page 14, line 21-page15, line1).

Further, the Applicant respectfully asserts that one wishing to solve a problem related to adjustable attachment of a seat bench to a baby carriage would not be expected to look for a solution within the classification "182 Fire Escape, Ladder, or Scaffold".

In view of the above amendments and remarks it is respectfully submitted that independent claims 1 and 11, and hence dependent claims 2-10 and 12-24, are in condition for allowance. Prompt notice of allowance is respectfully and earnestly solicited.

Respectfully submitted,



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Version Of Amendments Marked-Up To Show Changes Made:

In the Claims:

Please amend claims 1, 6, 8, 11 and 22 as follows:

1. (Amended) An auxiliary seat for mounting on a carriage, the auxiliary seat comprising:

(a) a seat bench having a substantially uninterrupted planar upper surface designed and configured to be mounted ~~on the carriage~~ in a substantially horizontal orientation;

(b) at least one first seat attachment element disposed at a respective end of said seat bench, each said at least one first seat attachment element configured to engage at least one respective structural member of the carriage;

(c) at least one second seat attachment element disposed at a respective end of said seat bench, said at least one second seat attachment element including a resilient element configured to secure said at least one second attachment element to said respective at least one structural member of the carriage.

2. (Amended) The auxiliary seat of claim 1, wherein each said at least one first seat attachment element includes a bracket designed and configured ~~to~~ such that said engagement is said ~~respective at least one structural member of the carriage~~ by clamping to said structural member.

6. (Amended) The auxiliary seat of claim 1, further comprising:

(~~Four~~ d) a substantially vertically disposed seat back attached to said seat bench.

8. (Amended) The auxiliary seat of claim 1, wherein said resilient element is selected from the group consisting of hook and loop fasteners ~~Velcro-~~ equipped straps, belts, chains, bands, strings, laces and cords.

11. (Amended) An auxiliary seat for mounting on a carriage, the auxiliary seat comprising:

(a) a seat bench having a substantially uninterrupted planar upper surface designed and configured to be mounted ~~on the carriage~~ in a substantially horizontal orientation, said seat bench including a mechanism for adjusting a length of said seat bench to enable mounting of said seat bench to carriages having a range of widths;

(b) at least one first seat attachment element disposed at a respective end of said mechanism for adjusting said length of said seat bench, each said at least one first seat attachment element configured to engage at least one respective structural member of the carriage;

(c) at least one second seat attachment element disposed at a respective end of said mechanism for adjusting said length of said seat bench, said at least one second seat attachment element including a resilient element configured to secure said at least one second attachment element to said respective at least one structural member of the carriage.

22. (Amended) The auxiliary seat of claim 1, wherein said resilient element is selected from the group consisting of hook and loop fasteners ~~Velcro-~~ equipped straps, belts, chains, bands, strings, laces and cords.